

SHAPING EUTHANASIA RIGHTS

Compassion in Dying v. Washington
and *Quill v. Vacco*

Edward R. Gamm

*Compassion in Dying v. Washington*¹ and *Quill v. Vacco*,² issued respectively by the Ninth and Second Circuit Federal appeals courts, framed the legal questions regarding assisted suicide and euthanasia for ultimate resolution by the United States Supreme Court (a resolution handed down June 26, 1997, shortly before the publication of this volume). Thus, while American society continues its vigorous and rapidly evolving debate on euthanasia rights,³ it must also ponder the potential of a Supreme Court decision analogous in scope to the Court's decisions defining abortion rights.

The Ninth Circuit held that under the Due Process clause of the Fourteenth Amendment, there is a "liberty interest in controlling the time and manner of one's death."⁴ The court found the Washington statute that prohibits "aid[ing] another person to attempt suicide" is unconstitutional "as applied to terminally ill competent adults who wish to hasten their deaths with medication prescribed by their physicians."⁵

In contrast, the Second Circuit expressly denied the existence of any such liberty interest. The court found that even New York statutes prohibiting assisted suicide "do not impinge on any fundamental rights nor can it be said that they involve suspect classifications."⁶ However, because other aspects of New York law permit the withdrawal of life-sustaining treatment, which also may result in death, the court found the assisted suicide prohibition to be a violation of the Equal Protection clause: "[T]o the extent that [these statutes] prohibit a physician from prescribing medication to be self-administered by a mentally competent, terminally-ill person in the final stages of his terminal illness, they are not rationally related to any legitimate state interest."⁷

Despite these doctrinal differences, the opinions share three fundamental themes. First, the circuits' respective interpretations of the due process and equal protection clauses to invalidate long-standing state prohibitions against assisted suicide find no basis in American legal traditions or constitutional precedent. Second, both circuits underestimated and in some cases ignored the compelling interests of the State in preventing physicians from taking actions to directly cause the deaths of their patients. Third, while claiming to allow wide latitude

Suicide A Christian Response Crucial Considerations For Choosing Life

Mae Elise Cannon



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